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Attorneys for Defendant and  
Cross-Complainant PANOPTX, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PROTECTIVE OPTICS, INC., a California  
corporation,

Plaintiff,

v.

PANOPTX, INC., a California corporation,

Defendants.

AND RELATED CROSS-ACTION

Case No.: C05-02732 CRB

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING THE DEADLINE  
FOR DEFENDANT PANOPTX TO  
SUBMIT ITS FINAL INVALIDITY  
CONTENTIONS**

**Dept: Courtroom 8, 19th Floor  
Judge: Hon. Charles R. Breyer**

Pursuant to Civil Local Rules 6-2 and 7-12, defendant Panoptx, Inc. ("Panoptx") and plaintiff Protective Optics, Inc. ("Protective Optics") stipulate as follows and respectfully request that the Court enter the following Proposed Order:

WHEREAS on October 23, 2006, the Court issued its Claim Construction Order;

WHEREAS, under Local Patent Rule 3-6, the last day for Protective Optics to submit its final infringement contentions was November 22, 2006, and the last day for Panoptx to submit its final invalidity contentions is December 12, 2006

WHEREAS on November 14, 2006, the parties submitted a Stipulation and Proposed Order asking the Court to extend the deadline for Protective Optics to submit its final infringement contentions;

WHEREAS on November 17, 2006, the Court entered that Order and extended the deadline for Protective Optics' final infringement contentions until January 8, 2007;

WHEREAS under Patent Local Rule 3-6, the defendant's final invalidity contentions are ordinarily due 20 days after the filing of plaintiff's final infringement contentions;

WHEREAS, this extension will not unduly burden any party nor cause a delay in the trial of this case, which, as of the date of this request, has not yet been scheduled;

NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, subject to Court approval, as follows:

1. The deadline for Panoptx to submit its final invalidity contentions is extended from December 12, 2006, to and including January 26, 2007.

Dated: December 8, 2006

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

By: \_\_\_\_\_/s/\_\_\_\_\_

Michael D. Lisi  
Attorneys for Defendant PANOPTX, INC.

1 Dated: December 8, 2006

GREENBERG TRAURIG, LLP

2  
3 By: /s/  
4 Daniel T. McCloskey  
5 Attorneys for Plaintiff and Cross-Defendant,  
6 PROTECTIVE OPTICS, INC

7 I hereby attest that I have been authorized by Daniel T. McCloskey to execute on his behalf  
8 this Stipulation and [Proposed] Order Extending the Deadline for Defendant Panoptx to Submit its  
9 Final Invalidity Contentions.

10 Executed on this 8th day of December, 2006 at San Francisco, California.

11  
12 /s/ Michael D. Lisi

13 MICHAEL D. LISI

14  
15  
16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17  
18  
19 Dated: December 13, 2006

